

Montana Board of Behavioral Health

COVID-19 FAQ

(FAQ created 3/17/20)

This FAQ is specific to frequently asked questions from licensees and the public in the context of the COVID-19. This FAQ will be updated on an as-needed basis. Check back periodically for updates. If you have a question regarding COVID-19 and Board of Behavioral Health licensing that is not on this FAQ you can e-mail department staff directly at dlibsdbbh@mt.gov.

If you have general questions pertaining to licensure and the board that are not specifically related to the COVID-19 situation we recommend you review the [general board FAQ](#) and the board website at www.bbh.mt.gov. For questions that are not specifically related to the COVID-19 situation you can continue to e-mail customer service staff at dlibsdhhelp@mt.gov.

Question 1:

I am currently licensed as an [LCPC/LCSW/LMFT/LAC] or [LCPC/LCSW/LMFT/LAC candidate] under the Montana Board of Behavioral Health. Am I allowed to conduct telepractice/telehealth in order to provide services to clients located in Montana?

Response 1:

Yes. Telehealth/telepractice is a method of delivery of services and not a specific type of license or practice. As a licensee you are still held to all the other statutes and rules including ethics, unprofessional conduct, privacy, etc. regardless of the method you are using to deliver those services. Candidates and the licensees that supervised them should remember that regardless of the method of delivery of services, candidate licensees must still be supervised as described in the board's supervised work experience rules (see ARM [24.219.422](#), [24.219.504](#), [24.219.604](#), [24.219.704](#), or [24.219.5008](#)).

Question 2:

I am currently licensed as an [LCPC/LCSW/LMFT/LAC] or [LCPC/LCSW/LMFT/LAC candidate] under the Montana Board of Behavioral Health and am going to be conducting telehealth/telepractice for the first time. Does the board have any training requirements or

recommend any particular types of training so I have more information on how to practice telehealth while complying with all of the laws under this board?

Response 2:

Staff and the board cannot give legal advice so we cannot recommend nor endorse any particular trainings or protocols/best practices. You might try contacting your state and/or national professional association(s) to see if they have any recommendations. As a licensee you are still held to all the other statutes and rules including ethics, unprofessional conduct, privacy, etc. regardless of the method you are using to deliver those services.

Question 3:

I am currently licensed as an [LCPC/LCSW/LMFT/LAC] or [LCPC/LCSW/LMFT/LAC candidate] under the Montana Board of Behavioral Health. I [am providing/will be providing] telehealth/telepractice services to clients located in Montana. Can I bill insurance for those services?

Response 3:

Laws pertaining to billing, including private insurance and Medicare and Medicaid, are outside this board's jurisdiction and regulatory authority. As a licensee you are expected to comply with other state and federal laws that pertain to your scope of practice. However, it is not this board that regulates those specific areas. You could try contacting the [Office of the Commissioner of Securities and Insurance](#) and the [Montana Department of Public Health and Human Services Addictive and Mental Disorders Division](#) for more information. You could also try contacting your state and/or national professional association(s) to see if they have any recommendations regarding resources.

Question 4:

I am currently licensed as an [LCPC/LCSW/LMFT/LAC] or [LCPC/LCSW/LMFT/LAC candidate] under the Montana Board of Behavioral Health. I [am providing/will be providing] telehealth/telepractice services to clients located in Montana. Since the state of Montana and the federal government have declared state and national emergencies does that alter the types of services I can bill insurance for?

Response 4:

See Response #3.

Question 5:

Can I conduct telepractice/telehealth in Montana if I am licensed in another state but do not have a license in Montana?

Response 5:

Telehealth/telepractice is a method of delivery of services and not a specific type of license or practice. In order to practice one of the professions licensed under this board you must be

licensed in the state of Montana (e.g. where the services are occurring) or be exempt from licensure in Montana. Click on the below links to view the statutory exemptions from licensure for different license types.

Note that laws concerning telepractice/telehealth vary from jurisdiction to jurisdiction so you should also check with the regulatory entity in the jurisdiction where you are licensed with regard to its laws.

- [MCA 37-22-305](#)(3) – LCSW
- [MCA 37-23-201](#)(4) – LCPC
- [MCA 37-35-201](#)(2) & (3) – LAC
- [MCA 37-37-201](#)(5) and [37-37-202](#)(2) – LMFT
- [MCA 37-28-201](#)(2) & (3) – CBHPSS

Question 6:

I read your response to Question #5. Is there some type of emergency exemption for licensure or way to obtain a temporary or emergency license as an [LCPC/LCSW/LMFT/LAC] to provide services to clients who are located in Montana while under the state of emergency declared federally and in Montana?

Response 6:

The department along with high level state officials are currently exploring options for some type of emergency registration. When we have more information I will update this FAQ. In the meantime, in order to practice in Montana you must be licensed in Montana or fall under one of the exemptions listed in Response #5.

Question 7:

I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LCSW and I need to practice as an LCSW for more than 10 days without a Montana license as allowed under [37-22-305](#)(3)(e), MCA, below. How do I report to the board?

[MCA 37-22-305](#)(3)(e): "activities and services by a person who is not a resident of this state that are rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year or 45 consecutive calendar days if the person is authorized under the law of the state or country of residence to perform the activities and services. However, the person shall report to the department the nature and extent of the activities and services if they exceed 10 days in a calendar year....".

Response 7:

You can notify by the board by sending an e-mail to dlibsdbbh@mt.gov explaining "the nature and extent of the activities and services" along with the date that you began providing services in Montana.

Question 8:

I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LCSW and I need to practice as an LCSW for more than 45 consecutive days or 60 aggregate days in the calendar year without a Montana license as allowed under [37-22-305\(3\)\(e\)](#), MCA, below.

[MCA 37-22-305\(3\)\(e\)](#): "activities and services by a person who is not a resident of this state that are rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year or 45 consecutive calendar days if the person is authorized under the law of the state or country of residence to perform the activities and services. However, the person shall report to the department the nature and extent of the activities and services if they exceed 10 days in a calendar year..."

Response 8:

You will need to apply for and obtain a [license as an LCSW in Montana](#) if your practice does not fall under the above exemption or any of the other exemptions in [37-22-305](#), MCA. You can apply using our [online application](#). Be aware the FBI fingerprint background check that you must obtain through the Montana Department of Justice will take approximately six weeks and that is a required part of your application.

Question 9:

I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LCPC and I need to practice as an LCPC for more than 10 days without a Montana license as allowed under, [37-23-201\(4\)\(e\)](#), MCA, below. How do I report to the board?

[MCA 37-23-201\(4\)\(e\)](#): "an activity or service of a person who is not a resident of this state, which activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year or 45 consecutive calendar days, if the person is authorized under the law of the state or country of residence to perform the activity or service. However, the person shall report to the department of labor and industry the nature and extent of the activity or service if it exceeds 10 days in a calendar year..."

Response 9:

You can notify by the board by sending an e-mail to dlibsdbbh@mt.gov explaining "the nature and extent of the activities and services" along with the date that you began providing services in Montana.

Question 10:

I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LCPC and I need to practice as an LCPC for more than 10 days without a Montana license as allowed under [37-23-201\(4\)\(e\)](#), MCA, below.

[MCA 37-23-201\(4\)\(e\)](#): "an activity or service of a person who is not a resident of this state, which activity or service is rendered for a period that does not exceed, in the aggregate, 60

days during a calendar year or 45 consecutive calendar days, if the person is authorized under the law of the state or country of residence to perform the activity or service. However, the person shall report to the department of labor and industry the nature and extent of the activity or service if it exceeds 10 days in a calendar year...".

Response 10:

You will need to apply for and [obtain a license as an LCPC in Montana](#) if your practice does not fall under the above exemption or any of the other exemptions in [37-23-201](#), MCA. You can apply using our [online application](#). Be aware the FBI fingerprint background check that you must obtain through the Montana Department of Justice will take approximately six weeks and that is a required part of your application.

Question 11:

I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LAC and I need to practice as an LAC for more than 60 aggregate days in the calendar year without a Montana license as allowed under [37-35-201](#)(2)(f), MCA, below. How do I report to the board?

[37-35-201](#)(2)(f): "of a person who is not a resident of this state if the activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year and if the person is authorized under the laws of the state or country of residence to perform the activity or service. However, the person shall report to the board the nature and extent of the activity or service if it exceeds 10 days in a calendar year...".

Response 11:

You can notify by the board by sending an e-mail to dlibsdbbh@mt.gov explaining "the nature and extent of the activities and services" along with the date that you began providing services in Montana.

Question 12:

I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LAC and I need to practice as an LAC for more than 60 aggregate days in the calendar year without a Montana license as allowed under [37-35-201](#)(2)(f), MCA, below.

[37-35-201](#)(2)(f): "of a person who is not a resident of this state if the activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year and if the person is authorized under the laws of the state or country of residence to perform the activity or service. However, the person shall report to the board the nature and extent of the activity or service if it exceeds 10 days in a calendar year...".

Response 12:

You will need to apply for and obtain a [license as an LAC in Montana](#) if your practice does not fall under the above exemption or any of the other exemptions in [37-35-201](#), MCA. You can apply using our [online application](#). Be aware the FBI fingerprint background check that you must obtain through the Montana Department of Justice will take approximately six weeks and that is a required part of your application.

Question 13:

I read your response to Question #5, including the links to the exemption statutes you referenced. What happens if I am licensed in another jurisdiction as an LMFT and I need to practice as an LMFT in Montana but do not meet any of the exemptions described in [37-37-201\(5\)](#), MCA? Can I obtain type of emergency exemption for licensure or way to obtain a temporary or emergency license

Response 13:

You will need to apply for and obtain a license as an LMFT in Montana if your practice does not fall under the above exemption or any of the other exemptions in [37-37-201](#), MCA. You can apply using our [online application](#). Be aware the FBI fingerprint background check that you must obtain through the Montana Department of Justice will take approximately six weeks and that is a required part of your application. Also, see Response #5 regarding emergency licensing.

Question 14:

I am a student enrolled in a graduate degree program. I normally physically attend college in another state or jurisdiction but am now attending class remotely from Montana. As part of my degree program I am being supervised for a counseling internship. My supervisor is located in the state/jurisdiction where I usually practice. Can I continue with my internship while I am physically located in Montana?

Response 14:

You will need to consult with your supervisor and that state/jurisdiction in which you will actually be practicing. Since any clients you would be seeing would be located in that other state/jurisdiction the regulations that apply would be those of your college and/or that state/jurisdiction's licensing entity.

Question 15:

I am supervising a student enrolled in a graduate degree program at a college located outside of Montana. I am supervising that student for an internship associated with that degree program. The student I supervise normally physically attends college in the state/jurisdiction in which I am located. However, that student is now attending classes remotely from Montana. Can I continue supervising that student internship without obtaining a Montana license?

Response 15:

Generally speaking students practicing in the state of Montana as part of their degree programs are exempt from licensure as described in the following MCA: [37-22-305](#) (social work), [37-23-201](#) (professional counseling), [37-35-201](#) (addiction counseling), and [37-37-201](#) (marriage and family therapy). However, since the student would presumably be offering services to clients located in the state/jurisdiction in which you, the supervisor, were located, it would be that state/jurisdiction's laws that applied, not Montana's. Under Montana's laws, you as the supervisor would not need to be licensed in Montana since you would not be practicing in Montana.

Question 16:

I am currently licensed as an [LCPC/LCSW/LMFT/LAC/CBHPSS]. Many conferences and training courses are being cancelled or changed to online due to health and safety concerns, etc. What should I do if I cannot meet my annual continuing education (CE) requirements?

Response 16:

The issue of conferences and training courses being cancelled is affecting licensees nationwide in many professions. For the time being, keep in mind that this board allows its licensees to: (1) obtain online CE; (2) utilize carryover CE from the previous renewal year; and (3) request CE hardship exemptions. However, as I said, this is only one of many larger issues facing licensees across many professions. If this board needs to take action in the future to deal with licensees' legitimate inability to obtain CE due to the COVID-19 situation it can do so. There is no need to apply for a hardship exemption at this time unless you had already intended to do so for non-COVID-19 reasons.